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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,704	03/09/2004	Michael Austin	10177-095-999 (CAM #00856	4218
20583	7590	09/06/2007	EXAMINER	
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			EDWARDS, LAURA ESTELLE	
			ART UNIT	PAPER NUMBER
			1734	
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			09/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,704

Applicant(s)

AUSTIN ET AL.

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 and 30-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata (JP 11-111423) in view of Tigner et al (US 3,867,315).

Shibata provides an apparatus for coating a tubular member (32) comprising a coating material source (501) containing a coating material; a first roller (201) having a surface; and a second roller (301) having a surface, wherein the first roller is situated relative to the coating material source so that the coating material in the coating material source can be transferred to the first roller surface; the first roller and second roller are situated relative to each other so that the first roller can transfer the coating material transferred to the first roller surface to the second roller surface, and the second roller is situated relative to the tubular member so that the second roller can transfer the coating material transferred to the second roller surface to the outer surface of the tubular member. The surface of the second roller (301) is rougher than the surface of the first roller (201) because the surface of the second roller has protrusions thereon as illustrated in Fig. 4a/b relative to the smooth surface of the first roller (201). The surface of the first roller contacts the surface of the second roller and the surface of the second roller contacts the outer surface of the tubular member. A blade mechanism (500) removes excess coating material from the surface of the first roller (201). The coated tubular member is subjected to an energy source or heater as evidenced by the last sentence of the abstract because the tubular member is baked. The Shibata apparatus provides for application of an electrically conductive material but is silent to the electrically conductive material including a cationic polymer (e.g., polyethyleneimine).

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However, it was known to manufacture spark plugs and other electrical components using resinous compositions having cationic polymer or polyethyleneimine therein to result in a highly electrically conductive material as evidenced by Tigner et al (col. 1, lines 8-11 and lines 45-52; col. 2, lines 1 and 52-56). It would have been obvious to one of ordinary skill in the art to utilize the resinous compositions having cationic polymer or polyethyleneimine therein as taught Tigner et al in the manufacture of the spark plugs in the apparatus to Shibata in order to provide for a highly electrically conductive product. Even though the combined teachings of Shibata and Tigner et al do not suggest the use of the apparatus in the manufacture of a medical device, the apparatus as taught by Shibata in combination with Tigner et al would allow one skilled in the art to treat a medical device with a desired coating composition using a roller application arrangement.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata (JP 11-111423) in view of Tigner et al (US 3,867,315) as applied to claims 22 and 27 above and further in view of Kirk Othmer.

The teachings of Shibata and Tigner et al have been mentioned above and while Shibata recognizes exposure of the coating to baking, there is no teaching or suggestion by neither Shibata nor Tigner et al of the use of a light source including ultraviolet light. However, it is well known and conventional in the coating art to use a radiation source (i.e., UV light) dry or cure an applied coating as evidenced by Kirk Othmer (see page 616, under the heading, "Curing With Ultraviolet,..."). In light of the teachings of Kirk Othmer, one of ordinary skill in the art would readily appreciate the use of an appropriate drying source including UV light, to dry or

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cure an applied coating to the tubular member. It would be within the purview of one skilled in the art to use an appropriate source of energy in the apparatus defined by the combination above in accordance with the type of coating material applied to the tubular member.

Response to Arguments

Applicants' arguments filed 6/20/07 have been fully considered but they are not persuasive.

Applicants contend that Shibata does not teach or suggest a system for coating a medical device that includes a coating material source containing a coating material comprising a biologically active material. This argument is not deemed persuasive in light of the teachings of Tigner et al to a highly conductive resinous composition including the cationic polymer, polyethyleneimine, used in the manufacture of electronic components. The combined teachings of Shibata and Tigner et al provide an apparatus capable of treating or coating of a medical device via use of a roller coating arrangement and thereby meet the limitations of the instantly claimed invention and the proper motivation for the combination has been supplied as required by *Graham v. Deere*.

Applicants contend that the teachings of Kirk Othmer do not make up for the deficiency in teachings of Shibata. This argument is not deemed persuasive as the combined teachings of Shibata and Tigner et al provide the substantial teachings of the claimed invention and Kirk Othmer provides the conventional wisdom of using ultra violet light to cure or bake or dry an applied coating material. The proper motivation for this combination has also been supplied as required by *Graham v. Deere*.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Laura Edwards
Primary Examiner
Art Unit 1734

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August 31, 2007